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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,649	06/30/2000	Frank M. Keese	025948-0104	2223

7590 11/17/2003

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/17/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

02015

## Office Action Summary

Application No.

09/608 649

Applicant(s)

Kesse et al

Examiner

D. Loney

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

☒ Responsive to communication(s) filed on 6/26/03

☒ This action is FINAL

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.

Of the above claim(s) 12-28 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11, 29-33 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 13
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 appears it was intended to be dependent from another claim (i.e. maybe claim 31 or 32). Therefore, there is no direct antecedent basis for "The flexible," "the counting," "the reinforcement", "the ribs" and "the surface". Clarification is kindly requested.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 3, 4, 5, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al.

Huang et al teaches a reinforcing material (8) that has ribs, which are, spaced at a greater distance then their height and also extend above the coating (4, 5, 6). The reinforcing layer can be a fluoropolymer with acetylates while the coating can also be a fluoropolymer with silica, therefore reading on instant claims 3 and 4 since they would

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be different in at least one material. The material can also be polyolefins (column 5, lines 3-9) meeting claim 2. Refer to fig. No. 2 along with column 4, lines 25-68. This rejection is made since the rib can be formed of the reinforcing material and/or the coating since the applicant has not limited which forms the ribs.

5. Applicant's arguments filed June 26, 2003 have been fully considered but they are not persuasive. The applicant argues the independent ness of the ribs from the reinforcing material. However, this limitation does not appear in claim 1, it only appear in claim 31. The coating as recited does not have to be continuous over the face of the reinforcing material.

Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Paine.

Paine discloses a coating (2) over a reinforcing fabric (5) with ribs (3) that are spaced further apart then their height. Refer to figure 2 and 3.

6. Claims 1, 2, 3, 4, 7, 10, 11, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hokae.

Hokae discloses a reinforcement material of fiber glass (2) coated with poly tetra fluoroethylene wherein ribs (4 or 8) extend above coating (3) and are spaced much greater apart then their height. Refer to Fig. No., 1 and 3 along with column 3, lines 60-68 and column 4, lines 1-25. Claim 31 has been included herein since the rib can be considered independent of the reinforcing material since it is stitched thereon (see Fig. No. 3).

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7. Claims 1, 4, 5, 10, 11, 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,279,581.

GB 1279581 discloses a reinforcement material of fabric (4) coated on both sides with rubber (8) that has PTFE ribs thereon. The ribs are shown as spaced much farther apart than their height. Refer to Fig. Nos. 1 and 2 along with page 2, column 1, lines 1-12 and 32-49.

8. Claim 1, 10, 11, 29, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by McKelvy.

McKelvy discloses a reinforcing material (3a, 3b) with a coating (1, 2) in both sides thereof. Ribs are formed on both sides that extend above the flat portion of the coating. The ribs are also spaced at a much greater distance than their height. Refer to Fig. No. 2 and 3 along with column 3, lines 65 through column 4, line 48.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 3, 6, 7, 8, 9, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1279581.

GB 1279581 teaches the invention substantially as recited except for the silicone rubber and fiberglass. GB 1279581 does disclose a fabric for the reinforcing layer and that other polymers can be used besides fluoropolymers. See page 1, column 2, line 93 through page 2, column 1, lines 1-49.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary reference to substitute silicone for PTFE since GB 1279581 teaches other low coefficient materials can be used in order to impart this property to the final article. Fiberglass would also be an obvious fabric to use to a skilled practitioner as a reinforcement material since the primary reference teaches fabrics in general used for this purpose.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

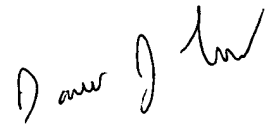
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.

D. Loney/lap

November 13, 2003

A handwritten signature in black ink, appearing to read "D. Loney", is written over a rectangular stamp.

DONALD J. LONEY  
PRIMARY EXAMINER